

UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

JACK NUNLEY,

*Pro Se Plaintiff,*

v.

DAVID B. RAUSCH, *in his official capacity as*  
DIRECTOR OF THE TENNESSEE BUREAU  
OF INVESTIGATION

*Defendant.*

Case No. 3:23-cv-100  
District Judge Richardson  
Magistrate Judge Newbern

**THE TBI DIRECTOR'S MOTION  
TO DISSOLVE THE PRELIMINARY INJUNCTION**

Defendant, David Rausch, sued in his official capacity as Director of the Tennessee Bureau of Investigation, respectfully moves for an order from this Court dissolving its preliminary injunction. As argued in the accompanying brief, the Sixth Circuit's ruling in *Doe v. Lee (Doe II)*, 102 F.4th 330 (6th Cir. 2024), has abrogated the various district court decisions upon which the injunctions were based.

Moreover, Nunley has no basis to seek continued injunctive relief on any alternative grounds. As a result of *Doe II*, the Ex Post Facto Clause claims in this case have little chance of succeeding. Nunley has also failed to (and in fact, cannot) show that he will suffer irreparable harm without an injunction against Director Rausch. Finally, the broader equities and public interest weigh heavily against preliminary relief.

The Court should grant the motion and dissolve the injunction.

Dated: October 4, 2024

Respectfully Submitted,

JONATHAN SKRMETTI

*Tennessee Attorney General & Reporter*

/s/ David Wickenheiser

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### **CERTIFICATE OF SERVICE**

I certify that I filed the above document using the Court's CM/ECF system on October 4, 2024, and served via U.S. mail to:

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